

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7049 of 2022

Arising Out of PS. Case No.-231 Year-2021 Thana- MOHAMMADPUR District- Gopalganj

BALIRAM SINGH S/O VIDYA SINGH R/o village- Pakri, P.S.-
Mohammadpur, District- Gopalganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Javed Aslam, Advocate

For the Opposite Party/s : Mr. Suman Kumari Singh, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 22-06-2022 Heard learned counsel appearing on behalf of the
petitioner and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a
period of four weeks from today.

The petitioner seeks bail in connection with
Mohammadpur P.S. Case No. 231 of 2021 registered for the
offence under Sections 341, 323 and 504 of the IPC and Section
37(c) of the Bihar Prohibition and Excise Act, 2018.

The petitioner is named in the FIR and is in
custody since 13.11.2021.

The allegation against the petitioner is to assault the
informant, who is the elder brother of the petitioner in drunken
condition.

Learned counsel appearing on behalf of the



petitioner submitted that implication of the petitioner is false due to partition of ancestral property. Informant is the elder brother of the petitioner. While arguing over the matter, it has further been submitted that the petitioner involved in 3 other similar nature of cases as mentioned in paragraph no.3 of the bail petition and he is on bail in all three cases.

Learned APP while opposing the prayer for bail, fairly conceded the fact that this is not a case where petitioner was in possession of illicit liquor, but allegation is limited only to use of liquor, which is prohibited in the State.

Considering the facts and circumstances as mentioned above, as admittedly this is not a case of recovery of illicit liquor, the allegation is only limited to drink liquor, which is prohibited in the State, let the petitioner, above named, is directed to be released on bail in connection with Mohammadpur P.S. Case No. 231 of 2021 on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned ADJ Iind-cum-Special Judge Excise, Gopalganj subject to the following conditions:

“(i) That petitioner shall not involve in the similar nature of offence till the conclusion of trial, failing which, the



State shall be at liberty to move before the Trial Court itself for the cancellation of bail bond of the petitioner.

(ii) That petitioner shall cooperate in the trial and shall be physically present on each and every date before the Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the Trial Court only on medical ground of the petitioner duly supported by the documents.

(iii) That one of the bailors shall be cousin uncle of the petitioner, namely, Dinanath Singh, who is the deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

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